

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

Civil Action No. 3:97CV00531

ZINSER TEXTILMASCHINEN,)
GmbH,)
Plaintiff,)
)
v.)
)
ELECTRO-JET, S.A., JUAN)
ROVIRA TRIAS, JOSE ROVIRA)
TRIAS AND MIREIA ROVIRA)
CAMPDELACREU,)
Defendants.)

STIPULATED CONSENT JUDGMENT

Saurer GmbH & Co. KG, as the universal legal successor of the plaintiff, Zinser Textilmaschinen GmbH (“Zinser”), is the owner of United States Patent No. 4,827,709 (hereafter referred to as the “’709 Patent”) entitled “Process and Apparatus for Loading a Spinning Machine with Roving Supply Bobbins,” which was duly and lawfully issued on May 14, 1991, by the United States Patent and Trademark Office. This action was filed on October 15, 1997, alleging patent infringement against Electro-Jet, S.A., Juan Rovira Trias, Jose Rovira Trias and Mireia Rovira Campdelacreu (“the “Electro-Jet Defendants”) and PSP Marketing, Inc. and Jerry E. Perry, Ursula A. Shuler, Jim Bailey and Peter R. Philipp, (“the PSP Defendants”) for the sale, offer for sale and installation of an automatic transport system for supplying bobbins from roving frames to spinning frames.


Zinser resolved this dispute with the PSP Defendants and on April 25, 2002 filed a Stipulation of Dismissal as to the PSP Defendants. The Electro-Jet Defendants have denied patent infringement and have asserted an affirmative defense of invalidity and counterclaims for

unfair and deceptive trade practices under N.C.G.S. section 75-1.1 and for common law unfair competition.

The parties have reached an agreement whereby this matter may be resolved, and upon consent of the parties hereto, it is hereby ORDERED, ADJUDGED AND DECREED THAT:

1. The Court has jurisdiction over the parties to this action and the subject matter of this litigation. Venue is proper in this District.
2. Saurer GmbH & Co. KG, as universal legal successor of Zinser, is the owner of the entire right, title and interest to the '709 Patent.
3. The automatic transport system for supplying bobbins from roving frames to spinning frames sold, offered for sale or installed by the Electro-Jet Defendants to Mount Vernon Mills infringes at least claim 1 of the '709 Patent.
4. All claims of the Zinser '709 Patent are valid and enforceable.
5. The Electro-Jet Defendants and their agents, servants, employees, and all persons or entities in active concert or participation with them who receive notice of this Stipulated Consent Judgment, are enjoined against infringing any of the claims of the '709 Patent by making, using or contributing to the infringement of, or inducing others to infringe, the claims of the '709 Patent during its unexpired term.
6. The counterclaims by the Electro-Jet Defendants alleging common law unfair competition and violation of Section 75-1.1 of the North Carolina General Statutes are dismissed with prejudice.
8. Each party shall bear its own costs and attorney's fees.

Signed: October 3, 2006


Frank D. Whitney
United States District Judge



Seen and agreed to:

SAURER GMBH & CO. KG,
acting as universal legal successor of ZINSER TEXTILMASCHINEN GMBH

By: s/Clifford R. Jarrett
Of counsel

ELECTRO-JET , S.A., JUAN ROVIRA TRIAS,
JOSE ROVIRA TRIAS, MIREIA ROVIRA CAMPDELACREU

By: s/Blas P. Arroyo
Of counsel